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**TÍTULO:** Situación jurídica del administrador del tribunal en la Federación de Rusia.

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**RESUMEN:** El artículo trata sobre el estado legal y sus problemas de los administradores de los tribunales de jurisdicción general, los conceptos legales de su estado y los aspectos teóricos y metodológicos reales en el contexto de los problemas modernos del desarrollo de la ciencia jurídica. Se extraen conclusiones sobre la especificación de la situación jurídica de los administradores judiciales y su organización de actividades. Se consideran normas materiales y procesales que regulan las relaciones jurídicas en el ámbito de actividad de los administradores judiciales.

**PALABRAS CLAVES:** estado legal, administrador del tribunal, organización y apoyo legal del administrador del tribunal, normas legales materiales y procesales.

**TITLE:** Legal status of the court administrator in Russian Federation.

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**ABSTRACT:** The article deals with the legal status and its problems of administrators of courts of General jurisdiction, legal concepts of its status, and actual theoretical and methodological aspects in the context of modern problems of development of legal science. Conclusions are drawn on the specification of the legal status of court administrators and their organization of activities. Material and procedural norms regulating legal relations in the sphere of activity of court administrators are considered.

**KEY WORDS:** legal status, court administrator, organization and legal support of the court administrator, material and procedural legal norms.

**INTRODUCTION.**

Status (lat. – «Status») means the condition, position of a person or group of people in society or part thereof. Types of status depend on economic, political, professional and other attributes [9]. In the legal encyclopedic literature status – a set of General rights that determine the legal capacity, rights and obligations of bodies, organizations, legal entities and individuals [7, p. 1042].

The legal concept of status can be expressed, first of all, through the totality of the powers of the body, person (competence), their rights, freedoms and duties that they are vested with in accordance with the law [Bartsits I. N. (2007), p. 34].

In the consolidation of these rights and obligations by law, which form the legal status of citizens and organizations, the special social relations of an individual or organization with the state, which serve as a prerequisite for their participation in public life, find their legal expression [Komarov S.A. (2019), p. 491].

In the course of the judicial reform in the Russian Federation, the institution of the court administrator has been established, whose activities are subject to legal regulation by the norms of the Russian legislation. Consider the legal characteristics of the administrator of the court, the prospect of its activities, the shortcomings of the existing system in the mechanism of implementation of its rights and make specific proposals aimed at improving the legislation on the activities of the administrator of the court.

According to article 16 of the Federal law «About Judicial Department at the Supreme Court of the Russian Federation» the head of Department of Judicial Department in subjects of the Russian Federation directs the activities of the office and powers of the organizational provision of judicial activity [1]. In particular:

- With the consent of the Chairman of the regional (equivalent) court, taking into account the opinion of the chairmen of the district courts, appoints and dismisses the administrators of the district courts, redistributes the vacancies formed in the district courts to the positions of judges;
- Reports annually to the Council of judges of the constituent entity of the Federation on the activities of the office.

The administrator of the court is the Federal public servant of system of Judicial Department performing organizational support of activity of court according to requirements of federal constitutional laws «On judicial system of the Russian Federation», «On military courts of the Russian Federation», federal laws «On Judicial Department at the Supreme Court of the Russian Federation», «On the status of judges in the Russian Federation», «On financing of courts of the Russian Federation», decrees of the President of the Russian Federation, resolutions of the

Government of the Russian Federation; orders and orders of the Chairman of the Supreme Court of the Russian Federation, the Director General of Judicial Department, and also departmental regulations concerning activity of the administrator of court.

**Consider the problem of the legal status of the administrator of the court.**

According to the norms of the Federal law «About Judicial Department at the Supreme Court of the Russian Federation», the court administrator is the main link between the Federal courts and system of the Judicial Department and his responsibilities included the implementation of the tasks of the liberation of the presidents of the courts from performing extrinsic of authority that are not related to the implementation of the administration of justice.

According to the legislation, the administrator of the court, within the meaning of the legal status determined by the law, is called upon to ensure the implementation in practice of one of the tasks – the release of the President of the court from the performance of unusual functions that are not directly related to the sphere of justice [4, Koryakin I. I. (2003), p. 71].

It seems to us that the form of activity of the administrator of the court is the external action of the official, conditioned by his competence. Form of activity of officials-external expression of their actions [Starilov Yu. N. (2007), p. 332]. From the point of view of the theory, since the decisions and actions of administrators are aimed at the implementation of their functions, the form depends on the effectiveness of the activities of court administrators.

The court administrator is an employee of the Judicial Department. A comprehensive interpretation of the provisions of the Federal law «On the Judicial Department of the Supreme Court of the Russian Federation» leads to the conclusion that this is a Federal body of state power, and its employees are Federal civil servants and, therefore, this rule is constitutionally vulnerable, unprotected.

According to the Federal legislation, the court administrator, on the one hand, is subordinate to the head of the Department of the Judicial Department in the subject of the Federation, and, on the other hand, to the Chairman of the relevant court, he has been delegated authority.

The organization of the activities of the administrator of the court in such an organizational model leads to the bureaucratization of the authority. This seems to be seen as a «vertical extension» to a higher level of the role and functions of the administrator in the organization of the courts.

The Federal law on Judicial Department issues at the level of the subject of the Federation are resolved by employees of the office of Judicial Department, regional – at the level of the subject of the Federation. Consider the establishment of the Institute of court administrators. The duality of the legal position of the administrator, the inaccurately established legal links with the court apparatus and the subordination to the President of the court lead to difficulties in the implementation of the organizational model.

Earlier, proposals were made to amend article 17 of the Federal law «On the Judicial Department of the Supreme court of the Russian Federation» regarding the legal status of the court administrator and his transfer to the court office on the one hand, and direct subordination to the Chairman of the court on the other [5 (Koryakin I. I., 2003, p. 9)]. Therefore, it seems to us that, despite the above positive assessments of the legislative decision on the organizational model of the courts, they are somewhat overstated, and the decision itself is not optimal [Koryakin I. I. (2005), p. 97-98].

The administrator of the court has administrative functions in respect of the staff of the court. As can be seen, there is an ambiguity in its position, which impedes its effectiveness. It's based on the current situation, the administrator does not have sufficient rights and responsibilities in dealing with the acquisition, movement and distribution of the court's assets, as he is not given the right to sign financial documents.

The judicial community of the Russian Federation defines such provision that the administrator of court has powers of derivative character from part of administrative powers of the Chairman of court therefore the position of the administrator of court becomes the Executive person in the rank of the public servant who is in the staff list of the relevant court and carries out the activity within functions and competences which are established by the legislation and the decision of the Chairman of this court.

It should be noted that according to the resolution of the Council of judges of the Russian Federation of April 20, 2001 № 51 the Judicial Department has the authority to make proposals to change the current legislation in terms of the legal status of the administrator of the Federal court.

If to compare powers of Judicial Department and its managements in subjects of the Federation, it is visible that organizational support of activity of courts of subjects of the Federation, and bodies of judicial community of the Russian Federation is performed by Judicial Department. At that time, the departments of the Judicial Department in the constituent entities of the Federation provide organizational support for the activities of district (city) courts, bodies of the judicial community of the constituent entities of the Federation, as well as funding for magistrates.

For organizational support of activity of regional and equated to it court and district court the position of the administrator of the relevant court is provided [1]. The relevant units of the Judicial Department exercise control over the execution of the powers of the court administrator of the subject of the Federation, and the activities of the district (city) court administrator is controlled by the Department of the Judicial Department of the subject of the Federation.

According to the Federal legislation, the head of the main Department of organizational and legal support of the court of the Judicial Department appoints and dismisses the administrator of the court of the subject of the Federation on the recommendation of the Chairman of the relevant court, the head of the Department of the Judicial Department in the subject of the Federation appoints and dismisses the administrator of the district (city) court on the recommendation of the district court.

As can be seen, the administrator of the court is subordinate to the Chairman of the court, is obliged to comply with his orders, and is responsible for the implementation of measures to ensure the organizational activities of the court.

Analysis of the problem of legal regulation of the legal status and official position of the administrator of the district (city) court leads to the conclusion: it is possible to fill this gap by specifying the legal framework of the said subject of law.

Article 17 of the Federal law «On the Judicial Department of the Supreme Court of the Russian Federation» confers on court administrators the powers to organize the activities of the Supreme courts of the republics, regional and regional courts, courts of the Autonomous region and Autonomous districts, courts of Federal cities, district courts, garrison military courts.

Court administrator is a new official institution having combined functions of a business Executive and a Manager. Its activities are aimed at relieving court presidents of their administrative and economic responsibilities and improving the organization of the courts of General jurisdiction. The administrator is the link between the courts and the Judicial Department.

Material legal norms contained in them regulate the impact on public relations in the sphere of management of organizational support of the courts. Qualitative and correct law enforcement of material legal norms by legal entities - employees of the staff and administrators of courts is a condition of the result of legal influence. Legal relations in providing the contain, according to articles 17-19 of the Federal law on the Judiciary Department, the respective rights, duties and responsibilities of the parties involved – administrators of the courts. The rules of law regulate social relations that develop in the process of exercising powers by court administrators in intra-organizational relations of a managerial nature that fall within its competence.

Procedural legal norms determine the official procedure, their General rules, and the order of law making, law enforcement, execution and control of the activities of court administrators. Procedural legal norms in the field of organizational support of the courts regulate relations on the

implementation of the provisions contained in the substantive legal norms.

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